

COTTONWOOD HEIGHTS

ORDINANCE No. 178-D

AN ORDINANCE DENYING THE CANYON RESORT RESIDENTIAL (CRR) ZONE AND DENYING AMENDMENT OF TITLE 19, COTTONWOOD HEIGHTS CODE OF ORDINANCES, TO INCLUDE A NEW CHAPTER CODIFYING SUCH ZONE

WHEREAS, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

WHEREAS, pursuant to the Act, the municipality’s planning commission shall prepare and recommend to the municipality’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission’s recommendations for zoning the area within the municipality; and

WHEREAS, the Act also provides certain procedures for the municipality’s legislative body to adopt or amend the land use ordinance and zoning map for the city; and

WHEREAS, on 14 July 2005, the city council (the “*Council*”) of the city of Cottonwood Heights (“*City*”) enacted its Ordinance No. 25 adopting a land use ordinance for City and codifying such ordinance as Title 19 (“*Title 19*”) of City’s code of ordinances (the “*Code*”); and

WHEREAS, pursuant to its Ordinance No. 25, the Council also adopted a zoning map for City (the “*Zoning Map*”); and

WHEREAS, on or about 5 August 2009, in full compliance with requirements of the Municipal Land Use, Development, and Management Act, UTAH CODE ANN. 10-9a-101 *et seq.* (“*LUDMA*”), City’s planning commission (the “*Planning Commission*”) held a public hearing on a City-initiated proposed text amendment to City’s land use ordinance, whereby Title 19 would be amended to include a new chapter entitled “C-R-R--Canyon Resort Residential Zone” (the “*CRR Zone*”), at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed CRR Zone; and

WHEREAS, on or about 5 August 2009, the Planning Commission recommended approval and adoption of the CRR Zone, and forwarded such recommendation to the Council for consideration and action; and

WHEREAS, thereafter and through the current date, the Council diligently considered the CRR Zone and held numerous public meetings concerning it, during which all interested parties were given the opportunity to provide written or oral comment concerning the proposed CRR Zone; and

WHEREAS, on 2 August 2011, the Council met in regular meeting to consider, among other things, approving and adopting the CRR Zone as recommended by the Planning Commission; and

WHEREAS, after careful consideration of the recommendation of the Planning Commission, comments at the public hearing and the other public meetings where the proposed CRR Zone was discussed, recommendations of City staff and consultants, review of the proposed CRR Zone (a photocopy of which is annexed hereto), and being otherwise fully advised in the premises, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to deny and reject approval and adoption of the CRR Zone, notwithstanding the Planning Commission's recommendation of approval, based on the Council's findings, *inter alia*, that certain uses, building heights, building setbacks, densities and other aspects of the proposed CRR Zone are inadvisable due to the nature of the lands located at the mouth of Big Cottonwood Canyon and would be incompatible with the zoning designations and uses of surrounding properties;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. **Denial and Rejection of CRR Zone.** The Council hereby denies and rejects the proposed CRR Zone notwithstanding the Planning Commission's recommendation of approval.

Section 2. **Denial and Refusal to Amend Title 19.** The Council hereby denies and refuses amendment of Title 19 of the Code to include the CRR Zone.

Section 3. **Action of Officers.** All actions of City's officers, agents and employees that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 4. **Severability.** All parts of this ordinance (this "*Ordinance*") are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 5. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. **Effective Date.** This Ordinance, assigned no. 178-D, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 2nd day of August 2011.

COTTONWOOD HEIGHTS CITY COUNCIL



Linda W. Dunlavy
Linda W. Dunlavy, Recorder

By Kelvyn H. Cullimore, Jr.
Kelvyn H. Cullimore, Jr., Mayor

VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Gordon M. Thomas	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
E. Nicole Omer	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the Recorder's office this 2nd day of August 2011.

POSTED this 3rd day of August 2011.

564837.1

Chapter 19.XX

C-R-R – CANYON RESORT RESIDENTIAL ZONE

Sections:

- 19.XX.010 Purpose of chapter.**
- 19.XX.020 Scope of approval.**
- 19.XX.030 Resort defined.**
- 19.XX.040 Conflicts.**
- 19.XX.050 Pre-application.**
- 19.XX.060 Permitted uses.**
- 19.XX.070 Conditional uses.**
- 19.XX.080 Permit – Application process.**
- 19.XX.090 Minimum acreage required.**
- 19.XX.100 Net density.**
- 19.XX.110 ERUs (Equivalent Residential Units)**
- 19.XX.120 Setbacks, yard requirements and minimum distance between buildings.**
- 19.XX.130 Maximum heights of structures.**
- 19.XX.140 Bulk and massing guidelines**
- 19.XX.150 Maximum lot coverage.**
- 19.XX.160 Open space.**
- 19.XX.170 Design criteria.**
- 19.XX.180 Effect on adjacent properties.**
- 19.XX.190 Access standards.**
- 19.XX.200 Supplementary C-R-R regulations.**
- 19.XX.210 Scope of planning commission action; Appeals.**
- 19.XX.220 Rules and regulations**

19.XX.010 Purpose of chapter.

The purpose of the C-R-R zone is to provide for a unique form of resort, PUD or vacation oriented development that is located at the mouth of Big Cottonwood Canyon and is oriented towards servicing the canyon resort community and the ski resort areas located in Big Cottonwood Canyon and Little Cottonwood Canyon. The northerly bench of Cottonwood Heights affords the opportunity to develop a unique mixed-use development with detached single-family housing, attached single-family housing, hotels, condominiums, including timeshare condominiums, club houses, restaurants, reception services and other uses commonly associated with resort residential living. The C-R-R zone is intended to provide all of these highly desirable services for vacationers at the base of four of the finest ski resorts in the world. In addition, the C-R-R zone provides an opportunity for people to enjoy the exclusivity of a mountain resort community with the benefit of proximity to the an international airport, fine dining and entertainment.

19.XX.020 Scope of approval.

This chapter does not guaranty a property owner the right to create a resort oriented development (*"resort"*). Instead, approval of a resort is a privilege to be earned and is not an absolute right available simply through compliance with the minimum standards established in this chapter. Because each resort is unique, every resort shall be evaluated relevant to the individual circumstances present at each individual location. The planning commission may impose any reasonable condition that will mitigate or eliminate detrimental impacts caused by a

proposed resort. It is not intended that the planning commission will grant the maximum exception to underlying zoning regulations in the case of every resort application; instead, such maximum will be available only in the most meritorious situations, in order to induce or reward efforts to achieve the highest levels of positive contribution under the design, open space and other community-enhancement aspects of this chapter. All applications under this chapter shall be considered a conditional use and subject to chapter 19.84, "Conditional Uses."

19.XX.030 Definitions.

For the purpose of the C-R-R zone the following definitions shall apply.

A. "Resort/PUD" means: a group or groups of buildings containing more than five dwelling units and/or guest rooms and providing outdoor recreational activities that may include golf, horseback riding, swimming, shuffleboard, tennis and similar activities. A resort may furnish services customarily furnished by a hotel, including a restaurant, cocktail lounge, and convention facilities. A resort is designed and developed as a single entity or in approved stages in conformity with a final development plan by a developer or group of developers acting jointly. A resort shall be wholly planned as a single entity or in approved stages to provide for continuity of uses and common open space and may include a range of uses and types of residential structures from hotels/condominiums to estate homes. A resort shall meet the following goals:

1. Architectural control:
 - a. Through establishment of acceptable design guidelines for each individual development.
 2. Patterns of development:
 - a. A creative approach to the use of the land and related physical development.
 - b. An efficient use of land resulting in smaller networks of utilities and streets and thereby greater amounts of open land.
 - c. A built environment of stable character in harmony with surrounding development.
 - d. A more desirable environment, including increased open spaces, architectural consistency throughout the development, and character which fits in with the goals of the community, than would be possible through the strict application of other sections of this title.
 - e. A consistent and creative approach to addressing the needs of pedestrians, parking and transit.
 3. Preservation of:
 - a. The natural environment and ecologies.
 - b. The goals and objectives of the city's general plan.
 - c. Natural topography.
 - d. Geologic features.
 4. Protection from:
 1. Soil erosion.
- B. "Hotel/Motel" means: an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, bars, and recreational facilities.
- C. "Restaurant" means: an establishment where food and drink are prepared and served. Customer turnover rates are typically one hour or longer. Such establishments serve dinner but may or may not serve breakfast, lunch or brunch.

- D. "Club" For the purposes of this chapter, a "club" shall mean: a commercial establishment open to the residents and guests of the resort/PUD which sells and serves intoxicating beverages for consumption on the premises.
- E. "Boutique Office" means: a room or group of rooms used for conducting the affairs of a business, profession, which is less than 5,000 square feet for each individual office and shall be expressly for the use of residents and guests of the resort/PUD.
- F. "Boutique Retail" means: establishments of 5,000 square feet or fewer of gross floor area engaged in the sale or rental of goods for consumer or household use; excluding, however, animal sales or service; and building materials and/or supplies, sales, or rental food sales. Typical uses include sale of consumer goods, food, flower shops, gift shops, and boutiques.

19.XX.040 Conflicts.

If a conflict exists between this chapter and other provisions of this code, the provisions of this chapter shall control.

19.XX.050 Pre-application.

- A. Pre-application conference. Prior to submittal of an application for a resort, the intended applicant shall request a meeting with the city's development review commission ("DRC") through the director. The purpose of the meeting will be to allow the applicant to present a general concept plan for the proposed development and to receive feedback from the DRC prior to filing of the resort application.
- B. The general concept plan shall include the following information and plans:
 - 1. Written letters of intent from the landowner(s) showing their intent to develop the land as proposed.
 - 2. Sketch concept plans showing the land use, design, intended densities, street and lot arrangement, proposed relationship to neighboring land uses and tentative lot sizes.
 - 3. Traffic access and circulation proposals.
 - 4. An architectural concept of the structures in the proposed development.
 - 5. A landscape concept showing tentative open space areas and relativity to the development and pedestrian movement.
 - 6. Tentative proposals regarding storm drainage, street improvements, sewage disposal and water supply.

19.XX.060 Permitted uses.

Permitted uses in the C-R-R zone are as follows:

- 1. Single-family dwellings, attached or detached;
- 2. Accessory buildings customary to multi-family and single-family residential buildings.

19.XX.070 Conditional uses.

Conditional uses in the C-R-R zone are as follows:

- 1. Resorts;
- 2. Planned Unit Development;
- 3. Hotels;
- 4. Short stay and timeshare condominiums;
- 5. Restaurants;
- 6. Reception centers;
- 7. Boutique offices;

8. Private clubs for the use of residents and guests of the resort/PUD;
9. Boutique retail; and,
10. Any use which is deemed by the planning commission to be ancillary to any of the above conditional uses and is complimentary to the goals and objectives of this ordinance.

19.XX.080 Permit – Application process.

- A. Resorts may be allowed by planning commission approval only in the C-R-R district where a resort development is listed as a conditional use. Approval of a resort shall consist of two parts:
 1. Preliminary approval subject to the public hearing provisions of this title; and
 2. Final approval based on construction drawings and specifications in general accord with that granted preliminary approval.
- B. An approved resort shall consist of a final approval letter and a final approved site plan from the planning department, all of which shall occur subsequent to planning commission approval of the resort under chapter 19.84, “Conditional Uses.” Notwithstanding anything to the contrary in this chapter, conditional approval of a resort shall not be granted unless the resort meets the use, density and other limitations the applicable zoning regulations. Compliance with the regulations of this chapter does not excuse the developer from the applicable requirements of the city’s subdivision ordinance under Title 12 of this code, except such modifications thereof as are specifically authorized by the planning commission as part of its conditional use approval of the resort.

19.XX.090 Minimum acreage required.

The minimum area of contiguous property required for a resort shall be five (5) acres.

19.XX.100 Net density.

- A. Net density defined. The numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including common open space and private roads/lanes and associated recreational facilities within the area as well as portions of the property for open space, utilities, roads public or private or similar dedications prior to a previous dedication for the use and enjoyment of the public; the result being the number of total residential units per net residential acre of land. Net density calculations in a standard resort shall exclude public rights-of-way and public streets.
- B. Maximum density. The maximum density for the C-R-R zone, as determined by the method in 19.78.090(A) shall be no greater than 3.5 dwelling units per acre. For the purposes of determining equivalent residential uses for uses in the C-R-R zone refer to 19.78.??? ERUs.
- C. To meet the intent of the C-R-R zone to create high quality master planned resort/vacation oriented development, greater flexibility in determining the net density is required and consistent with the provisions of section 19.72.040 of this title, it has been determined that a modification of the requirement in 1972.040(A) that only 30% of the open space greater than 30% slope may be used to calculate net density is appropriate.

19.XX.110 ERUs (Equivalent Residential Units)

For the purpose calculating residential density limits, the ERU is determined by applying the following factors:

- A. Motel/Hotel Room,* not to exceed five hundred (500) sq. ft. including bathroom areas, but not including corridors outside of room=.25
- B. Hotel Suite or:
 - 1. One (1) Bedroom Apartment not to exceed seven hundred (700) sq. ft. including bathroom areas but not corridors outside of rooms=.33
 - 2. One (1) Bedroom Apartment or; Two (2) Bedroom Apartment not to exceed one thousand (1,000) sq. ft. and not to exceed one and one-half (1 ½) baths=.50
- C. Apartment/Condo not to exceed fifteen hundred (2,500) sq. ft.=.75
- D. All other residential single-family residential structures = 1.00
- E. Commercial for each two thousand (2,000) sq. ft. of gross floor area, or for each part of a two thousand (2,000) sq. ft. interval=.86

* Motel/hotel uses must be declared at the time of site plan submittal, and are subject to review for neighborhood compatibility. Within a hotel, up to five (5) percent of the total floor area (as defined in the current building code) may be dedicated to meeting rooms, and an additional five (5) percent for support commercial areas, without requiring the use of a unit equivalent of commercial space.

19.XX.120 Setbacks, yard requirements and minimum distance between buildings.

Because of the unique nature of development and general concern for preservation of hillsides, individual setbacks and distances between buildings for each lot or building developed, in the C-R-R zone will be evaluated and determined on a case-by-case basis by the director. If the director wishes, in certain cases he may refer the matter to the planning commission for decision. All setbacks shall be subject to the provisions of chapter 19.72, "Sensitive Lands."

19.XX.130 Maximum height of structures.

Because the C-R-R zone applies to lands within Big Cottonwood Canyon, it is anticipated that many of the parcels zoned may have hillsides. Therefore, unique zoning requirements have been developed that incorporate the principles of terrain-adaptive architecture. Terrain-adaptive architecture describes buildings that step with the landform and therefore reduce the need for massive earth movement and retaining walls. To accommodate the unique housing types permitted by the zone, a formula for determining the maximum height of structures within hillside areas has been developed. The maximum heights allowed are also affected by the bulk and massing guidelines found in Section 19.XX.090. Both the maximum heights included herein and the bulk and massing guidelines must be used in concert to determine appropriate heights of buildings.

1. Method of measuring maximum building height in hillside areas (average slopes greater than 10%) – Maximum building heights shall be measured at any given point along the natural terrain of the hillside allowing the maximum building height to following the slope of the hillside as illustrated in the following:

2. Maximum building height - estate lots – The maximum building height for estate lots shall be 35 feet, however, the bulk and massing guidelines included in Section may reduce the maximum building height for portions of the building.

3. Maximum building height - townhomes – The maximum building height for townhomes shall be 50 feet, however, the bulk and massing guidelines included in Section may reduce the maximum building height for portions of the building.

4. Maximum building height - single family attached condominium unit buildings – The maximum building height shall be 90 feet, however, the bulk and massing guidelines included in Section may reduce the maximum building height for portions of the building.

5. Accessory structures for all housing types – No accessory structure shall exceed 20 feet in height. For each foot of height over 14 feet, accessory structures shall be set back from property lines an additional foot from the minimum setback to allow a maximum height of 20 feet.

19.XX.140 Bulk and massing guidelines.

Along with the maximum height of structures included in Section 19.XX.080, the following guidelines shall be used in the design of buildings constructed within the C-R-R Zone to create more interesting structures that follow the natural terrain of the bench and hillside areas of the mouth of Big Cottonwood Canyon.

1. Building masses should undulate in both vertical and horizontal planes to add variety to buildings. The highest of the masses should be designed on the interior most parts of the structure.

2. Individual buildings should not be of a single height, but should have variable heights for different portions of the building.

3. Individual buildings should be comprised of a variable number of floors in different portions of the building to add variety to the bulk and mass of the building. The maximum number of floors allowed per building shall be as follows:

a. Estate lots – maximum two (2) full floors above original grade.

b. Townhomes – maximum four (4) full floors above original grade.

c. Single family attached units – maximum six (6) full floors above original grade.

No more than one-fifth (1/5) of the building may be six (6) floors with another one-fifth (1/5) limited to a maximum five (5) floors and another one-fifth (1/5) limited to a maximum four (4) floors.

d. Floors that are partially exposed by a downward hillside are not counted as part of the maximum full floors permitted.

5. Parking garages shall not be considered a floor in the computation of the number of maximum floors.

19.XX.150 Maximum lot coverage. The maximum lot coverage in the C-R-R zone is 30% of the entire development area, including open space.

19.XX.160 Open space.

Common open spaces shall be defined for the purposes of this section as the total area of land and water within the external boundary of a resort designated and intended for use and enjoyment as open areas, and not improved with a building, structure, street/road or parking area, except for recreational structures. Common open spaces of a resort shall not include individual lots of detached single-family residential structures and yards located between detached single-family residential buildings and parking areas. Common open spaces within a resort are subject to the following requirements:

A. Percentage required for open space.

1. Minimum open space requirement for any resort is 30%

B. The following lands may not be allowed as open space:

1. Land occupied by private structures.

2. Private or semi-private land with limited access.

3. Public streets or rights-of-way.
- C. Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:
 1. Granting to a party approved by the city a permanent open space easement on or over the common open space to guarantee that such space remains perpetually in recreational use, with ownership and maintenance being the responsibility of the owner or an owner's association organized in a manner reasonably satisfactory to the city; or
 2. Compliance with the provisions of the Condominium Ownership Act (UTAH CODE ANN. §57-8-101, et seq.), as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities; or
 3. Dedication of the land as a public park or parkway system, provided that the city council, in its sole discretion and following recommendation by the planning commission, accepts the land as viable open space for public recreation.

19.XX.170 Design criteria.

In return for greater flexibility in site design requirements, resorts shall deliver exceptional quality community designs that: (i) preserve critical environmental resources, (ii) provide high quality community amenities, (iii) incorporate creative design in the layout of buildings and circulation, and (iv) provide greater efficiency in the layout and provisions of roads, utilities and other infrastructure. Design criteria shall be used as the principle tool in evaluating the merits of a proposed resort. The planning commission and the city's architectural review committee ("ARC") shall use the following criteria, in addition to any other applicable sections or chapters of this title, to hold resorts to higher architectural standards than standard residential developments. The burden shall be on the applicant to demonstrate that the proposed development plans comply with each of the following criteria:

- A. Conformance to the general plan and overlay zones. The proposed development plan shall conform to applicable elements of the city's general plan, any applicable overlay zones, specific area master plans and city goals and policies.
- B. Compatibility with surrounding development. Proposed uses, activities, overall resort layout and design as well as densities shall have a compatible, efficient and functional interrelationship with surrounding uses and activities, and shall not adversely affect the sustainability of the surrounding area.
- D. Environmental design. Site plan, building design and open space provisions shall be designed to produce a development that is responsive and sensitive to natural features and the aesthetic quality of the community. Site planning and design shall minimize any required cut or fill to afford maximum protection of natural landforms and features. Natural features and/or geologic hazards that may affect the property on which the resort is proposed shall be identified and mitigation measures established. Building design shall maximize preservation of vegetation and landforms, enhance drainage and minimize soil erosion. Developments must consider, where appropriate, contain designs for foot traffic and pedestrian movement in and among resortss through sidewalks, trails, foot bridges and hiking paths.
- E. Architectural standards. An architectural design plan that ensures architectural consistency in the proposed development, architectural character and preservation or improvement of the visual character of the city shall be provided and, upon approval, shall form part of the plan. Architectural character is based upon the suitability of a building for its purposes, the appropriate use of materials and upon principles of harmony and proportion of the building with other proposed buildings and surrounding land uses. Buildings or other improvements

- shall be compatible with the orientation, directional emphases, shape, volume, massing, proportion, rhythm, scale and materials of the contextual setting and streetscape of the site.
- F. Architectural elements, designs, concepts, building styles and materials shall be subject to review by the ARC to ensure consistency with the purposes and provisions of the C-R-R zone, overlay zones, specific area master plans and the general plan.

19.XX.180 Effect on adjacent properties.

- A. The planning commission shall require arrangement of structures and open spaces within the resort in a manner that assures that adjacent properties will not be materially adversely affected.
- B. Density of dwelling units per acre shall be no more than 3.5 dwelling units per acre. ERUs shall be determined by using the calculations in 19.XX.XXX.

19.XX.190 Access standards.

- A. All resorts shall be served by a public street, which shall not be at or over its traffic capacity at the time the development is approved, including the traffic projections which can be attributed to the proposed development.
- B. All resorts shall be served by an internal, paved street system according to city standards at the time of development, with an approved pedestrian element.
- C. All resorts shall dedicate and improve property which is reasonably anticipated to be used to expand public roads adjacent to the development.

19.XX.200 Supplementary C-R-R regulations.

- A. Upon final approval of a resort, construction shall proceed only in accordance with the plans and specifications approved by the planning commission and in conformity with any conditions attached by the planning commission to its approval.
- B. Amendments to approved plans and specifications for a resort shall be approved by the planning commission and a new set of approved plans will be issued by staff to address any approved amendments.
- C. The city's building official or any other city department shall not issue any permit for any proposed building, structure, activity or use within the resort which is contrary to the approved development plan.
- D. The director shall issue a certificate of occupancy for any building or structure upon its completion in accordance with the approved development plan.
- E. Gates. With planning commission approval, gates shall be allowed in accordance with the regulations contained in titles 12 and 14 of this code. In addition, a resort application requesting a gated entry shall provide ample room, on private property, for turnarounds for vehicles which do not gain access through the gated entry. Section 14.12.130 of this code shall also apply to this section.
- F. Fencing.
1. Fencing in a resort shall be limited to back yards or side yards for corner lots/private areas of property which are not expressly open for use by the entire resort, and for the perimeter of the resort. Fencing, especially entryway fencing, shall be kept to a minimum or completely eliminated in order to accomplish a feeling of engagement with the public street and to prevent alienation of one residential development from another, or to provide consistency throughout the community.
 2. Fences in a resort shall not exceed a maximum height of six (6) feet unless express approval from the planning commission is obtained. In no case shall the planning

commission approve any fence or wall which is inconsistent with the provisions of section 19.76.340 of this title.

G. Monument entry sign.

1. One monument entry sign at main entry point of the resort may be allowed per planning commission approval.
2. Signable area. An entry monument sign shall be no greater than 6 feet in height, and shall display no more than 36 square feet of signable area, shall be for the express purpose of identifying the resort neighborhood, and shall not display any advertisements.
3. Setback. The minimum setback for any entry monument sign shall be 36 inches from the public right-of-way, and shall not encroach into any clear view areas, as described in chapter 19.76 of this code.

H. Refuse collection. A resort shall provide for its own refuse collection through a private provider, and shall not use public rights-of-way for refuse container storage or for trash pick up by the private disposal service.

I. Water quality.

1. Health Department Approval Required. Prior to issuance of a conditional use permit or site plan approval for all uses in the C-R-R zone, regardless of size or number of units, the applicant shall receive the written approval of the health department certifying that all water quality and health requirements have been satisfied and that the proposed construction will not damage the natural watershed.
2. Developments of More than Nine Lots/Units. Developments of more than nine lots or units shall receive the written approval of the state Department of Environmental Quality certifying that the culinary water system and the sewerage system meet all state water quality and health requirements. All approvals shall be in accordance with the regulations of the state Department of Environmental Quality relating to culinary water supply and wastewater disposal.
3. Applicable State Regulations and Standards. The applicable state regulations for individual wastewater disposal systems can be found in the Utah Administrative Code, as amended from time to time. The applicable state regulations for culinary water supply can be found in Utah Administrative Code, as amended from time to time. (d) Subsequent Changes in Site Plan. If after health department or state Department of Environmental Quality review and action pursuant to this section, a site plan is modified such that the original limits of disturbance change, the applicant must submit the modified site plan to the appropriate health agency for retesting and a new determination whether all state wastewater and culinary water standards have been met. Evidence of such retesting must be submitted prior to final approval of the site plan.

19.XX.210 Scope of planning commission action; Appeals.

- A. It is the intent of this chapter that site and building plans for a resort shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The planning commission shall require the applicant to engage such a qualified designer or design team.
- B. The planning commission may deny an application for a resort.
- C. In approving an application, the planning commission may attach such conditions as it deems necessary to secure compliance with the purposes set forth in this title and to mitigate any impacts that a resort may impose on the surrounding people and properties.

- D. The action of the planning commission may be appealed to the city's board of adjustment or other appeal authority under chapter 19.92 of this title.

19.XX.220 Rules and regulations.

The planning commission may from time to time, by resolution, adopt and amend regulations and guidelines to assist the planning commission, its advisory bodies, and planning staff to accomplish the permitted purposes of this chapter.